

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Leonard A. Pomeranz

Examiner: Carter, Michael W.
Art Unit: 2809

Serial No: 10/533,321
Filed: 05/02/2005

Docket No. 20030016

For: Thulium Pumped Laser
Mid-IR Source

September 18, 2008

Response To Second Office Action

In response to the Office action dated March 19, 2008, please amend the above identified application as follows.

Please amend the claims as shown in the attached sheets.

Remarks

The Examiner first rejected claim 14 under 36USC112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner then refers to language in claim 14 that does not agree with language in claim 9, from which claim 14 depends. Claim 9 states that the OPO is in the form of a ring, and claim 14 states that the OPO is a linear resonator. The applicant has cancelled claim 14 so the rejection is now moot.

The Examiner next rejects claims 1, 2, 4 and 5 under 35 USC 103(a) as being unpatentable over Esterowitz et al. US Patent 6,358,243 ('243) in view of Esterowitz et al. US Patent 4,965,803 ('803). Continuing, the Examiner states various reasons for the rejection.

The applicant has amended independent claims 1 and 5 to add that the OPO has "two zinc germanium phosphide non-linear crystals, and wherein each of the crystals generates a signal beam and an idler beam that are all part of the output from the optical parametric oscillator". The multiple zinc germanium phosphide non-linear crystals are recited in claims 13 and 23. Neither the '243 or the '803 patents, separately or together, suggest or teach having more than one zinc germanium phosphide crystal in the OPO. Claims 2 and 4 depend from claim 1 so are allowable based on dependency from an allowable claim 1.

Next, the Examiner rejects claims 9 – 11, 14 – 22 and 24 under 35 USC 103(a) "as being unpatentable over '243 in view of '803, and further in view of Smith et al. US Patent 6,647,033". Continuing, the Examiner then gives a large number of reasons for rejecting claims the claims.

The applicant respectfully disagrees with the Examiner having to pick three separate patents to come up with the applicant's invention. Certainly one can pick and choose references